

Environment and Human Health, Inc.
1191 Ridge Road
North Haven, Connecticut 06473
Phone (203) 248-6582 Fax (203) 288-7571

**RAISED BILL No. S.B. 126 AN ACT ADDING WOOD SMOKE TO THE
PUBLIC HEALTH NUISANCE CODE AND CONCERNING OUTDOOR WOOD-
BURNING FURNACES.**

**Chairs Senator Ed Meyer, Representative Richard Roy, and Members of the
Environment Committee:**

My name is Nancy Alderman. I am President of Environment and Human Health, Inc., (EHHI) a non-profit organization comprised of nine members who are physicians and public health professionals dedicated to protecting human health from environmental harms.

This Bill is in two very distinct parts. The first part that would add "wood smoke" to the Public Health Nuisance Code is critical and needs to be adopted.

The second part, which would regulate wood burning furnaces to not burn from April 15th to October 15th is fine -- but only addresses a fraction of what is needed to protect human health. Instead, outdoor wood furnaces must be banned in the State with an exemption for agricultural uses. As well, any new unit installed for agricultural uses should have a setback of 1,000 feet in order to protect the public's health.

**First, to address the section of Bill 126 that adds "wood smoke" to
the Public Health Nuisance Code.**

Environment and Human Health, Inc., has been receiving an ever-growing number of tragic phone calls from families who are being made sick from wood smoke that is coming into their homes on a continual basis from their neighbor's wood smoke emissions. Doctors have put many of these people on inhalers, cortisone, and when they get bronchitis, sinusitis and pneumonia from the wood smoke they are put on antibiotics. As well, many of them are ending up in emergency rooms.

These families come to EHHI only after they have exhausted all of Connecticut's governmental and legal avenues. Because there are not sufficient laws in Connecticut to protect these people – they have few options.

The present Connecticut Public Health Nuisance Code was written in the 19th early 20th century. It addresses bone burning, garbage in uncovered wagons and

other things of which many are not pertinent today – yet one of our most pressing health issues – wood smoke exposures that enter people's home on a continuous basis making whole families sick – is not specified.

This lack of specification means that some local health directors will enforce wood smoke issues under the present broad "nuisance" provisions of the health code while many other local health directors will claim they do not have jurisdiction. This unevenness leads to some people in the state receiving help while many others in the state receive none.

The CT State Department of Health has said they do not want to deal with this issue. The Association of Local Health Directors say the jurisdiction to address wood smoke issues is already in the CT Public Health Nuisance Code under the word "Nuisance."

However, EHHI receives all the complaints from people being made very sick who tell us their local health directors have told them they do not have jurisdiction.

We know from the public that the response for help is extremely uneven in this state and without "wood smoke" added to the nuisance code it will remain that way -- and many sick people will not get the help they need. This is why EHHI and others are asking the State Legislature to put "wood smoke" in the CT Public Health Nuisance Code in order to give equal protection under the law to the injured people of this state.

To Address the Second Section of Bill 126 that asks that Outdoor Wood Furnaces, also known as Outdoor Wood Boilers, (OWFs/OWBs) not burn from April 15th to October 15th. This is fine – but in no way will it solve the serious problem that these outdoor wood burning appliances have brought to this state.

Outdoor wood furnaces must be banned in Connecticut with an exemption for agricultural uses. Any new unit installed for agricultural uses should have a setback of 1,000 feet to protect health.

Outdoor Wood-burning Furnaces create enormous amounts of dense smoke that travels in a plume for very long distances. This smoke carries with it particulates with carcinogens attached, as well as carbon monoxide. Portions of this smoke plume enters neighboring homes -- and over time -- this smoke is extremely harmful to the families whose houses are impacted.

Some states have tried to protect people from these wood-burning appliances by passing regulations, but the regulations have not proven effective enough to protect people's health. For instance, Connecticut has a setback regulation of 200 feet from neighbor's property and they have a smoke stack regulation that

requires the stack to be higher than the roof peak of the nearest house within 500 feet.

Even with these regulations in place, the State of Connecticut continues to receive hundreds of complaints from the neighbor's of OWFs, who are made sick from the smoke emissions that emanate from them. The 200-foot setback in no way is protective of human health.

These devices are essentially small-insulated sheds with a short smoke stack. They burn wood that heats water that is then sent through underground pipes to heat a home or a building. These appliances emit smoke 24 hours a day, seven days a week. Outdoor Wood Furnaces are not to be confused with indoor wood stoves, which are tested and certified by EPA - Outdoor Wood Furnaces are not.

Most Outdoor Wood Furnaces employ very primitive combustion technology and because of this they emit dense smoke that endangers the health of families and neighbors. The particles of wood smoke are so small that closed doors and windows cannot stop it from entering homes, even newer energy-efficient weather-tight homes.

The use of Outdoor Wood Furnaces has increased over the past few years causing there now to be complaints coming from people being made sick from them in many states across the country.

Many experts who know about Outdoor Wood Furnaces/Boilers - know they are designed in a way that makes the burning incomplete and the wood smoke emissions huge and polluting.

Smoke from OWFs contains unhealthy amounts of particulate matter, carbon monoxide, nitrogen dioxide, sulfur dioxide, hydrochloric acid, formaldehyde and other toxic air pollutants. Exposure to smoke from an OWF can increase adverse respiratory and cardiovascular symptoms. Exposure to other pollutants listed above is associated with a diverse range of harmful health effects, including asthmatic sensitivity, lung illnesses and cancer."

Due to the harmful impacts of these appliances, the State of Washington has banned them in their entire State. Connecticut's Attorney General, Richard Blumenthal, has called on Connecticut's General Assembly to ban them in Connecticut in their next session because of their toxic smoke that is sickening neighbors and polluting whole neighborhoods.

The American Lung Association, New England, has also urged the Connecticut legislature to impose a statewide ban on these wood-burning outdoor furnaces.

Because Outdoor Wood Furnaces are a closed shed system, one cannot see what is being burned inside of them. Although they are designed to burn wood,

owners can add yard waste, packing materials, construction debris and even household garbage and tires without anyone knowing it. Burning these other substances is illegal, however there is no way to see or know what is being burned. If these other substances are burned, it will increase the toxic and hazardous air pollutants that come out of the stack.

Because of their basic design, it is possible that they will never be able to be made safe. Their smoke emissions problems are complicated by the fact the appliances cycle between oxygen deficient and oxygen rich burning. The smoke that leaves the top of the stack, irrespective of height of the stack, lacks the heat energy necessary for it to rise or to diffuse and be diluted by ambient air and thus causes the smoke to fall to the ground engulfing the near-by homes. It is also why the smoke drifts for many thousands of yards, without dissipating, polluting whole neighborhoods.

Breathing air containing wood smoke on a continuous basis has many harmful effects. It can reduce lung function; increase asthma, emphysema, pneumonia and bronchitis. It can aggravate heart disease; irritate eyes, lungs, throat and sinuses as well as trigger headaches and allergies.

We don't ask the public to breathe cigarette smoke 24/7 -- and with wood smoke having many of the same components -- we shouldn't be asking our citizens to breathe in wood smoke 24/7 either. Without a statewide ban -- that is exactly what we are doing.

Because these devices are dangerous, Environment and Human Health, Inc. asks that the CT legislature ban their use in Connecticut -- just as the nine Connecticut towns have and just as the State of Washington has.

Thank you for your attention,

Nancy Alderman

Nancy Alderman, President
Environment and Human Health, Inc.

Legislative session 2010

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CT Public Health Nuisance Code

http://www.ct.gov/dph/lib/dph/public_health_code/sections/19-13-b1_to_19-13-b25_public_nuisances.pdf

Environment and Human Health, Inc. is asking that “wood smoke” be added to the CT Public Health Nuisance Code by adding:

(j) Wood smoke that may endanger the life or health of persons living in the vicinity.

CT Department of Public Health Public Health Nuisance Code

19-13-B1. Conditions specifically declared to constitute public nuisances

Current with materials published in Connecticut Law Journal through 06/01/2006
Public Nuisances

19-13-B1. Conditions specifically declared to constitute public nuisances

The following conditions are specifically declared to constitute public nuisances:

- (a) Bakeries, restaurants and other places where food is prepared or served that are not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that rats, mice or vermin are present.
- (b) Spoiled or diseased meats, whether exposed and offered for sale or being transported or kept for sale.
- (c) Barns or stables, hogpens, chicken yards or manure piles or accumulations of organic material so maintained as to be a breeding place for flies.
- (d) The discharge or exposure of sewage, garbage or any other organic filth into or on any public place in such a way that transmission of infective material may result thereby.
- (e) Privies not screened against flies in populous districts and privies likely to pollute the ground or surface water from which water supply is obtained.

(f) Transportation of garbage, night soil or other organic filth except in tight, covered wagons which prevent leakage or access of flies.

(g) Stagnant water likely to afford breeding places for mosquitoes within a residential district or within a distance of one thousand feet there from.

(h) Bone boiling, fat rendering establishments, or tallow or soap works, or other trades, when they can be shown to affect public health or produce serious offense.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

19-13-B2. Abatement of nuisance

(a) Any local director of health, upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any such nuisance or pollution comes to his attention, shall, within a reasonable time, investigate and, upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.

(b) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance shall be accomplished; and if such order is not complied with within the time specified, the facts shall be submitted to the prosecuting authority. Copies of all orders shall be kept on file by the director of health in his office and copies of the same shall be furnished the state commissioner of health on request.